

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIE R. MCNEIL, III,		:	
	Plaintiff,	:	
		:	23 Civ. 10015 (LGS)
-against-		:	
		:	<u>ORDER</u>
NYC HHC, et al.,		:	
	Defendants.	:	
-----X		:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, the Order dated January 25, 2024, adjourned the initial pretrial conference from January 31, 2024, to February 21, 2024, and provided guidance to Plaintiff on how to serve Defendants.

WHEREAS, Defendants have not appeared and Plaintiff has not filed proof of service. The Complaint in this action was filed on November 13, 2023. Rule 4(m) of the Federal Rules of Civil Procedure requires a defendant to be served with the summons and complaint within 90 days after the complaint is filed, or by February 12, 2024. It is hereby

ORDERED that Plaintiff submit a letter, not to exceed two pages, stating why Plaintiff has failed to serve the Summons and Complaint within the 90-day period and whether he intends to proceed with this case against Defendants. If Defendants have been served, Plaintiff shall file a proof of service of process as to each Defendant. If Defendants have not been served, Plaintiff shall serve Defendants with a copy of the summons and Complaint by following Federal Rule of Civil Procedure 4 as explained in the January 25, 2024 Order. Plaintiff then shall file proof of service on the docket by the same day he serves Defendants.

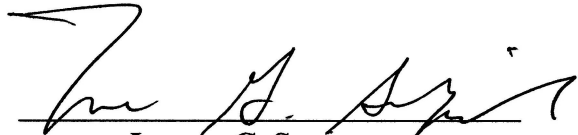
If Plaintiff fails by **March 20, 2024**, (1) to submit a letter to Chambers as ordered in the preceding paragraph and in accordance with the Court’s individual rules, which are attached or

(2) file proof of service of process as ordered in the preceding paragraph, Plaintiff's case shall be dismissed for failure to prosecute. *See Lyell Theatre Corp. v. Loews Corp.*, 682 F.2d 37, 42 (2d Cir. 1982) (holding that a district court's authority to dismiss an action for plaintiff's failure to prosecute "cannot seriously be doubted"). It is further

ORDERED that the initial pretrial conference scheduled for February 21, 2024, is **ADJOURNED to March 27, 2024, at 4:10 P.M.** The conference will be telephonic and will take place on the following conference line: (888) 363-4749; access code 558-3333.

The Clerk of Court is respectfully directed to mail a copy of this Order and the Court's individual rules to the pro se Plaintiff.

Dated: February 20, 2024
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE